

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 10A

INTRODUCER: Senator Hutson

SUBJECT: Pari-mutuel Facility Bingo Games and Instant Bingo

DATE: May 14, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer/Imhof</u>	<u>Sadberry</u>	<u>AP</u>	<u>Pre-meeting</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

I. Summary:

SB 10A authorizes the conduct of bingo games and instant bingo at pari-mutuel facilities licensed to conduct such gaming.

See Section V, Fiscal Impact Statement.

The bill takes effect on the same date that SB 2A (Implementation of the 2021 Gaming Compact) or similar legislation is adopted in the same legislative session and becomes a law.

II. Present Situation:

Background

In general, gambling is illegal in Florida.¹ Chapter 849, F.S., prohibits keeping a gambling house,² running a lottery,³ or the manufacture, sale, lease, play, or possession of slot machines.⁴ However, the following gaming activities are authorized by law and regulated by the state:

- Pari-mutuel⁵ wagering at licensed greyhound and horse tracks and jai alai frontons;⁶
- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;⁷

¹ See s. 849.08, F.S.

² See s. 849.01, F.S.

³ See s. 849.09, F.S.

⁴ Section 849.16, F.S.

⁵ “Pari-mutuel” is defined in Florida law as “a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes. See s. 550.002(22), F.S.

⁶ See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

⁷ See FLA. CONST., art. X, s. 23, and ch. 551, F.S.

- Cardrooms⁸ at certain pari-mutuel facilities;⁹
- The state lottery authorized by section 15 of Article X of the State Constitution and established under ch. 24, F.S.;¹⁰
- Skill-based amusement games and machines at specified locations as authorized by s. 546.10, F.S, the Family Amusement Games Act;¹¹ and
- The following activities, if conducted as authorized under ch. 849, relating to Gambling, under specific and limited conditions:
 - Penny-ante games;¹²
 - Bingo;¹³
 - Charitable drawings;¹⁴
 - Game promotions (sweepstakes);¹⁵ and
 - Bowling tournaments.¹⁶

A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.¹⁷

Regulation of Pari-mutuel Wagering

The Division of Pari-mutuel Wagering (division) in the Department of Business and Professional Regulation (DBPR) regulates pari-mutuel wagering. The division has regulatory oversight of permitted and licensed pari-mutuel wagering facilities, cardrooms located at pari-mutuel facilities, and slot machines at pari-mutuel facilities located in Miami-Dade and Broward counties.

Issuance of Pari-mutuel Permits and Annual Licenses

Section 550.054, F.S., provides that any person meeting the qualification requirements of ch. 550, F.S., may apply to the division for a permit to conduct pari-mutuel wagering. Upon approval, a permit must be issued to the applicant that indicates:

- The name of the permitholder;

⁸ Section 849.086, F.S. *See* s. 849.086(2)(c), F.S., which defines “cardroom” to mean “a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.”

⁹ The Department of Business and Professional Regulation (DBPR) has issued licenses to permitholders with 2021-2022 Operating Licenses to operate 27 cardrooms. *See* <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/permitholder-operating-licenses-2021-2022/> (last visited Apr. 7, 2021).

¹⁰ Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery; s. 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

¹¹ *See* s. 546.10, F.S.

¹² *See* s. 849.085, F.S.

¹³ *See* s. 849.0931, F.S.

¹⁴ *See* s. 849.0935, F.S.

¹⁵ *See* s. 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

¹⁶ *See* s. 849.141, F.S.

¹⁷ *See* s. 550.1625(1), F.S., “...legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state.” *See also, Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), *review denied*, 412 So.2d 470, which states “Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right,” citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936).

- The location of the pari-mutuel facility;
- The type of pari-mutuel activity to be conducted; and
- A statement showing qualifications of the applicant to conduct pari-mutuel performances under ch. 550, F.S.

Pursuant to s. 550.054(9)(b), F.S., the division may revoke or suspend any permit or license upon the willful violation by the permitholder or licensee of any provision of ch. 550, F.S., or any administrative rule adopted by the division, and may impose a civil penalty against the permitholder or license up to \$1,000 for each offense.

Slot Machine Gaming Locations and Operations

Section 32 of Art. X of the State Constitution, adopted pursuant to a 2004 initiative petition, authorized slot machines in licensed pari-mutuel facilities in Broward and Miami-Dade counties, if approved by county referendum. The voters in Broward and Miami-Dade counties approved slot machine gaming. Slot machine gaming in the state is limited to Broward and Miami-Dade counties, and as authorized by federal law, in the tribal gaming facilities of the Seminole Tribe.

Cardrooms

Section 849.086, F.S., authorizes cardrooms at certain pari-mutuel facilities.¹⁸ In Fiscal Year 2021-2022, 27 cardrooms are licensed to operate.¹⁹ A license to offer pari-mutuel wagering, slot machine gaming, or a cardroom at a pari-mutuel facility is a privilege granted by the state.²⁰ A cardroom may be open 18 hours per day on Monday through Friday, and 24 hours per day on Saturday and Sunday.²¹ An initial cardroom license may be issued to a pari-mutuel permitholder only after its facilities are in place and it has conducted its first day of live racing. In order to renew a cardroom license, the licensee must have requested, as part of its annual pari-mutuel license application, to conduct at least 90 percent of the total performances it conducted in the prior fiscal year.

Bingo Games and Instant Bingo by Charitable Organizations

The play of bingo games and instant bingo under current law (charitable bingo) must meet numerous requirements and is restricted as set forth in s. 849.0931, F.S. Section 849.0931(12), F.S., specifies numerous requirements for the conduct of charitable bingo. Pursuant to s. 849.0931(1)(c) and (4), F.S., organizations that are authorized to conduct bingo games include:

¹⁸ Section 849.086, F.S. Section 849.086(2)(c), F.S., defines “cardroom” to mean a facility where authorized games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.

¹⁹ See <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/permitholder-operating-licenses-2021-2022/> (last visited May 11, 2021).

²⁰ *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), review denied, 412 So.2d 470, states “Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right,” citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936). See s. 550.1625(1), F.S., “...legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state.”

²¹ Section 849.086(7)(b), F.S.

- Charitable, nonprofit, and veterans' organizations, which are defined as tax-exempt under 501(c) of the Internal Revenue Code of 1954, or section 528 of the Internal Revenue Code of 1986, and have been in existence and active for at least three years.
- Condominium associations, cooperative associations, homeowners' associations as defined in s. 720.301, F.S., mobile home owners' associations, and a group of residents of a mobile home park or recreational vehicle park, as defined in ch. 723 and ch. 513, F.S.

Any organization or other person who willfully and knowingly violates s. 849.0931, F.S., commits a misdemeanor of the first degree, punishable by a term of imprisonment not to exceed one year and a fine not to exceed \$1,000.²²

Bingo Games and Instant Bingo Conducted at Pari-mutuel Facilities

The conduct of bingo games and instant bingo at licensed pari-mutuel facilities is not authorized under current law.

III. Effect of Proposed Changes:

Section 1 amends s. 550.01215 F.S., to require a permitholder applying for an annual operating license who elects to conduct bingo games or instant bingo, to indicate in the application, the proposed operating dates and times for such activity.

Section 2 amends s. 550.0251, F.S., to grant rulemaking authority to the division to adopt, amend, or repeal rules related to bingo games and instant bingo in pari-mutuel facilities, to enforce and carry out the provisions of s. 849.089, F.S., created by the bill, relating to same, and to regulate bingo games and instant bingo conducted in pari-mutuel facilities. The division is to suspend a permitholder's permit or license, if such permitholder is conducting bingo games or instant bingo and such permitholder's bingo license has been suspended or revoked.

Section 3 amends s. 550.054, F.S., relating to pari-mutuel permits, to include a reference to bingo games and instant bingo.

Section 4 creates s. 849.089, F.S., authorizing the conduct of bingo games and instant bingo at licensed pari-mutuel facilities (i.e., pari-mutuel bingo). Under the bill, as is the case with bingo games and instant bingo conducted by charitable organizations pursuant to s. 849.0931, F.S., it is not a crime for a person to participate in pari-mutuel bingo at licensed pari-mutuel facilities, if such games are conducted strictly in accordance with Florida law.

The bill sets forth the following statement of legislative intent for pari-mutuel bingo:

It is the intent of the Legislature to provide additional entertainment choices for the residents of and visitors to this state, promote tourism in this state, and provide contributions for nonprofit organizations through the authorization of bingo games and instant bingo at licensed pari-mutuel facilities in this state. To ensure public confidence in the integrity of bingo

²² See s. 849.0931(14), F.S.

games and instant bingo, this act is designed to strictly regulate the facilities, persons, and procedures related to bingo games and instant bingo.

Under the bill, a “bingo operator” means a licensed pari-mutuel permitholder that holds a valid permit and operating license issued by the division pursuant to ch. 550, F.S, as well as a valid bingo license issued by the division to authorize the permitholder to conduct pari-mutuel bingo at the permitholder’s licensed pari-mutuel facility.

The term “bingo management company” means any individual who is not an employee of a bingo operator, or any proprietorship, partnership, corporation, or other entity that enters into an agreement with a bingo operator to manage, operate, or otherwise control the daily conduct of pari-mutuel bingo on the bingo operator’s licensed premises.

Many of the pari-mutuel bingo terms in the bill are the same as those used in s. 849.0931, F.S, relating to the conduct of bingo and instant bingo by charitable organizations. These terms include “bingo card,” “bingo game,” “deal,” “flare,” “instant bingo,” “objects,” “rack,” “receptacle,” and “session.”

The bill provides the division must administer and regulate pari-mutuel bingo, and may:

- Adopt rules, including, but not limited to, the issuance of bingo and employee licenses for bingo activities, the conduct of bingo games and instant bingo, recordkeeping and reporting requirements, and required contributions from bingo proceeds to nonprofit organizations; rules may not conflict with, and must be applied, construed, and interpreted in a manner consistent with the 2021 Gaming Compact.
- Conduct investigations and monitor the conduct of bingo games and instant bingo in pari-mutuel facilities.
- Review the books, accounts, and records of any current or former bingo operator.
- Suspend or revoke any license or permit, after a hearing, for any violation of this section or the administrative rules adopted pursuant thereto.
- Take testimony, issue summons and subpoenas for any witness, and issue subpoenas duces tecum in connection with any matter within its jurisdiction.

Licensing of Bingo Operators and Employees

SB 14A, relating to Fees/Pari-mutuel Bingo Games and Instant Bingo is linked to this bill, and addresses the imposition of licensing fees for the conduct of pari-mutuel bingo.

Under the bill, a person may not conduct pari-mutuel bingo at a Florida pari-mutuel facility without a valid bingo license, and only those with a valid bingo license may conduct pari-mutuel bingo at a bingo operator’s licensed premises. A bingo license may only be issued to a licensed pari-mutuel permitholder, and bingo games and instant bingo may only be conducted at the same licensed premises at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities. A bingo management company must hold a valid bingo business occupational license issued by the division.

After issuance of an initial bingo license, the application for the annual license renewal must be made in conjunction with the applicant’s annual application for its pari-mutuel license. If a

permitholder has conducted pari-mutuel bingo during any of the three previous fiscal years and fails to include a renewal request in its annual application for license renewal, the permitholder may amend its annual application to include pari-mutuel bingo. The division must establish by rule a schedule for the renewal of bingo occupational licenses.

Applications for bingo licenses and bingo occupational licenses, on forms prescribed by the division, must contain all information the division, by rule, determines is required to ensure eligibility. A person employed or otherwise working at a pari-mutuel facility conducting pari-mutuel bingo as a bingo manager or caller, or performing any other activity related to pari-mutuel bingo while the facility is conducting pari-mutuel bingo, must hold a valid bingo employee occupational license issued by the division. Food service, maintenance, and security employees with a current pari-mutuel occupational license and a current background check are not required to have a bingo employee occupational license. Bingo occupational licenses are not transferable.

A licensed bingo operator may not employ or allow to work in a room or area set aside for bingo on the bingo operator's licensed premises any person who does not hold a valid occupational license. A licensed bingo operator may not contract or otherwise do business with a business required to hold a valid bingo business occupational license unless the business holds such license.

The division must adopt rules relating to bingo occupational licenses, and s. 550.105(4) through (8) and (10), F.S., relating to licensure also applies to bingo occupational licenses.

The division may deny, declare ineligible, or revoke any bingo occupational license if the applicant or holder thereof has been found guilty or had adjudication withheld in this state or any other state or under the laws of the United States of a felony or misdemeanor involving forgery, larceny, extortion, conspiracy to defraud, or filing false reports to a government agency or a racing or gaming commission or authority.

Fingerprints for all bingo occupational license applications must be taken in a manner approved by the division and submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a criminal records check upon initial application and at least every five years thereafter. The division may require by rule an annual record check of all renewal applications for a bingo occupational license. The cost of processing fingerprints and conducting a record check must be borne by the applicant.

Electronic Bingo Card Minders

Under the bill, an "electronic bingo card minder" may only be used as a bingo aid device for authorized pari-mutuel bingo outside of Broward County or Miami-Dade County. Such devices must be certified in advance by an independent testing laboratory (as defined in the bill) approved by the division, or any successor agency, and meet all of the following requirements:

- The device must aid a bingo game player by:
 - Storing in the memory of the device not more than three bingo faces of tangible bingo cards purchased by a player;
 - Comparing the numbers drawn and then individually entered into the device by the player to the bingo faces previously stored in the memory of the device; and
 - Identifying preannounced winning bingo patterns marked or covered on the stored bingo faces.
- The device must not be capable of accepting or dispensing any coins, currency, or tokens.
- The device must not be capable of monitoring any bingo card face other than the faces of the tangible bingo card or cards purchased by the player for that game.
- The device must not be capable of displaying or representing the game result through any means other than highlighting the winning numbers marked or covered on the bingo card face or giving an audio alert that the player's card has a prize-winning pattern. No casino game graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, craps, roulette, or lotto, may be used.
- The device must not be capable of determining the outcome of any game.
- Progressive prizes in excess of \$2,500 are prohibited.
- Other than progressive prizes not to exceed \$2,500, no prize exceeding \$1,000 may be awarded.
- No electronic bingo card minder may contain more than one player position for playing bingo.
- No electronic bingo card minder may contain or be linked to more than one video display.
- Prizes must be awarded based solely on the results of the bingo game, and no additional element of chance may be used.

Under the bill, the number of electronic bingo card minders in operation at a pari-mutuel facility is limited to 350 minders, pursuant to requirements in the 2021 Gaming Compact.

Taxation of Pari-mutuel Bingo Operations

SB 12A (Taxes/Pari-mutuel Facility Bingo Games and Instant Bingo) is linked to this bill, and addresses the imposition of licensing fees for the conduct of pari-mutuel bingo.

As a condition of licensure, a bingo operator must contribute the entire net proceeds received from bingo games and instant bingo on at least 21 calendar days each year to one or more nonprofit organizations chosen by the bingo operator. A bingo operator must report such contributions to the division in the format prescribed by the division, including, but not limited to, the amounts and dates of such contributions and the organizations to whom such contributions were made.

Bingo games and instant bingo are deemed an accessory use to a licensed pari-mutuel operation and, except as provided in ch. 550, F.S., a municipality, county, or political subdivision may not assess or collect any license tax, sales tax, or excise tax on such bingo games or instant bingo.

The term “gross receipts” means the total amount of money received by a bingo operator from any person for participation in bingo games, including, but not limited to, authorized participation fees or the sale of instant bingo tickets.

The term “net proceeds” means the total amount of gross receipts received by a bingo operator from conducting bingo games and instant bingo less direct operating expenses related to conducting such games, including labor costs, contributions to nonprofit organizations required by the bill, and reasonable promotional costs, but excluding officer and director compensation, interest on capital debt, legal fees, real estate taxes, bad debts, contributions or donations, or overhead and depreciation expenses not directly related to conducting bingo games or instant bingo.

The term “nonprofit organization” means an organization exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

Conducting Pari-mutuel Bingo

The bill requires that various requirements be met for the conduct of pari-mutuel bingo, which are often the same as the requirements for the conduct of authorized bingo by charitable organizations.

Pari-mutuel bingo may be conducted only at the licensed premises specified on the bingo license issued by the division, and such premises may only be the location at which the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder’s valid pari-mutuel permit or as otherwise authorized by law. A bingo operator may conduct bingo games and instant bingo at the pari-mutuel facility daily throughout the year. Bingo games and instant bingo may be conducted 24 hours per day.

A bingo operator must employ a nonplaying caller for each bingo game at all times. Such callers may not have a participatory interest in any bingo game other than announcing the game and may not have an interest in the outcome of the game. The licensee providing such callers does not constitute the conducting of a banking game by the bingo operator.

Each bingo operator must conspicuously post upon the licensed premises a notice which contains a copy of the bingo license, any house rules regarding the conduct and play of pari-mutuel bingo, and all costs for players to participate.

A bingo operator’s premises are subject to inspection by the division or any law enforcement agency during regular business hours, and the inspection must include the permitholder’s internal control procedures approved by the division.

Each bingo game must be conducted in accordance with the following:

- The objects, whether drawn or ejected, must be essentially equal in size, shape, weight, and balance and in all other characteristics that may control their selection from the receptacle. The caller must cancel any game if, during the course of a game, the mechanism used in the drawing or ejection of objects becomes jammed in such a manner as to interfere with the accurate determination of the next number to be announced or if the caller determines that

more than one object is labeled with the same number or that there is a number to be drawn without a corresponding object. Any player in such a game that is canceled may play the next game free of charge;

- Before commencement of any bingo session, a licensed employee must require a verification of all objects to be placed in the receptacle and must inspect the objects in the presence of a disinterested person to ensure that all objects are present and that there are no duplications or omissions of numbers on the objects. Any player is entitled to call for a verification of numbers before, during, or after a session;
- The card or sheet on which the game is played must be part of a deck, group, or series, no two of which may be alike in any given game;
- All numbers must be visibly displayed after being drawn and before being placed in the rack;
- A bona fide bingo must consist of a predesignated arrangement of numbers on a card or sheet which correspond with the numbers on the objects drawn from the receptacle and announced. Errors in numbers announced or misplaced in the rack may not be recognized as a bingo;
- When a caller has started to vocally announce a number, the caller must complete the call. If any player has obtained a bingo on a previous number, such player must share the prize with the player who gained bingo on the last number called;
- Numbers on the winning cards or sheets must be announced and verified in the presence of another player. Any player is entitled at the time the winner is determined to call for a verification of numbers drawn. The verification must be in the presence of the caller, the player determined to be the winner, the player calling for verification of the numbers drawn, and the bingo manager or an officer of the licensee;
- Upon determining a winner, the caller must ask, "Are there any other winners?" If no one replies, the caller must declare the game closed. No other player is entitled to share the prize unless she or he declared bingo before the declaration; and
- Seats may not be held or reserved for players who are not present, and cards may not be set aside, held, or reserved from one session to another for any player.

Instant bingo tickets must be sold at the price printed on the ticket or on the game flare by the manufacturer. Discounts may not be given for the purchase of multiple tickets, and tickets may not be given away free of charge.

Each deal of instant bingo tickets must be accompanied by a flare, and the flare must be posted before the sale of any tickets in that deal. Each instant bingo ticket in a deal must bear the same serial number, and there may not be more than one serial number in each deal. Serial numbers printed on a deal of instant bingo tickets may not be repeated by the manufacturer on the same form for a period of three years. The serial number for each deal must be clearly and legibly placed on the outside of each deal's package, box, or other container. Instant bingo tickets manufactured, sold, or distributed in this state must comply with the applicable standards on pull-tabs of the North American Gaming Regulators Association.

Except for tickets in compliance with standards of the North American Gaming Regulators Association, an instant bingo ticket manufactured, sold, or distributed in this state must:

- Be manufactured so that it is not possible to identify whether it is a winning or losing instant bingo ticket until it has been opened by the player as intended;

- Be manufactured using at least two-ply paper stock construction so that the instant bingo ticket is opaque;
- Have the form number, the deal's serial number, and the name or logo of the manufacturer conspicuously printed on the face or cover of the instant bingo ticket; and
- Have a form of winner protection that allows the organization to verify, after the instant bingo ticket has been played, that the winning instant bingo ticket presented for payment is an authentic winning instant bingo ticket for the deal in play. The manufacturer must provide a written description of the winner protection with each deal of instant bingo tickets.

Each manufacturer and distributor that sells or distributes instant bingo tickets in this state to bingo operators or bingo management companies must prepare an invoice that contains the following information:

- The date of sale;
- The form number and serial number of each deal sold;
- The number of instant bingo tickets in each deal sold;
- The name of the distributor, bingo operator, or bingo management company to whom each deal is sold; and
- The price of each deal sold.

All information contained on an invoice must be maintained by the distributor and manufacturer for three years and the invoice or a true and accurate copy thereof must be kept on the licensed premises where any deal of instant bingo tickets is stored or in play.

The bingo operator may charge a fee for players to participate in bingo games. Such fee may be a flat fee or hourly rate or a fee per bingo card. Notice of the amount of the participation fee must be posted in a conspicuous place on the licensed premises at all times.

Each licensee conducting pari-mutuel bingo must keep and maintain daily records of its bingo activities and must maintain such records for at least three years. These records must include all financial transactions and contain sufficient detail to determine compliance with this section. All records must be available for audit and inspection by the division or law enforcement agencies during regular business hours. The information required in such records must be determined by division rule.

Each licensee conducting pari-mutuel bingo must file with the division a report containing the required records of such bingo activities. Such report must be filed monthly by licensees. The required reports must be submitted on forms prescribed by the division, are due at the same time the monthly pari-mutuel reports are due to the division, must contain any additional information deemed necessary by the division, and are public records once filed.

Prohibited Activities and Penalties

Under the bill, a person may not operate or permit the operation of a device that displays bingo cards or instant bingo tickets, or the results from the play of bingo or instant bingo, using a video or electromechanical format, including, but not limited to, any device that displays any aspect of the bingo game or instant bingo game using casino game graphics, themes, or titles, including,

but not limited to, depictions of slot machine-style symbols, cards, craps, roulette, or lotto. However, bingo may be played using an electronic bingo card minder as defined.

A person under 18 years of age may not hold a bingo operator or occupational license or participate in any pari-mutuel bingo game or instant bingo. A bingo operator may refuse entry to or refuse to allow any person to play who is objectionable, undesirable, or disruptive, but such refusal may not be on the basis of race, creed, color, religion, gender, national origin, marital status, physical handicap, or age (except for being under 18 years of age).

License Suspension and Revocation; Imposition of Fines

The division may deny a license or the renewal thereof or may suspend or revoke a license if the applicant or licensee has violated or failed to comply with this section or any rule adopted pursuant thereto; knowingly caused, aided, abetted, or conspired with another to cause any person to violate this section or any rule adopted pursuant thereto; obtained a license or permit by fraud, misrepresentation, or concealment; or if the holder of such license is no longer eligible for a license under this section.

If a pari-mutuel permitholder's pari-mutuel permit or license is suspended or revoked by the division pursuant to ch. 550, F.S., the division may, but is not required to, suspend or revoke such permitholder's bingo license. If a bingo operator's license is suspended or revoked pursuant to this section, the division may, but is not required to, suspend or revoke such licensee's pari-mutuel permit or license.

The division may impose an administrative fine not to exceed \$1,000 for each violation against any person who has violated or failed to comply with this section or any rule adopted pursuant thereto.

Criminal Penalties and Injunctive Authority

Any person who conducts bingo games or instant bingo on the licensed premises of a pari-mutuel facility without a valid license commits a felony of the third degree, punishable by a term of imprisonment not to exceed five years, and a fine not to exceed \$5,000.

Any licensee or permitholder who violates s. 849.089, F.S., relating to pari-mutuel bingo commits a misdemeanor of the first degree, punishable by a term of imprisonment not to exceed one year, and a fine not to exceed \$1,000. Any licensee or permitholder who commits a second or subsequent violation of the same paragraph or subsection commits a third degree felony, punishable by a term of imprisonment not to exceed five years, and a fine not to exceed \$5,000.

Any organization or other person who willfully and knowingly violates s. 849.089(10)(a), F.S., relating to the prohibited use of a device (other than an electronic bingo card minder as defined) that displays bingo cards or instant bingo tickets, or the results from the play of bingo or instant bingo, using a video or electromechanical format, including, but not limited to, any device that displays any aspect of the bingo game or instant bingo game using casino game graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, craps, roulette, or lotto, commits a misdemeanor of the first degree, punishable by a term of

imprisonment not to exceed one year, and a fine not to exceed \$1,000. For a second or subsequent offense, the organization or other person commits a felony of the third degree, punishable by a term of imprisonment not to exceed five years, and a fine not to exceed \$5,000.

The division, any state attorney, the statewide prosecutor, or the Attorney General may apply for a temporary or permanent injunction restraining further violation of this section, and such injunction shall issue without bond.

Section 5 amends s. 849.0931, F.S., to:

- Prohibit an organization or person from operating or permitting the operation of a device, other than a hand-held or table-top bingo card minder authorized under s. 849.0931(15), F.S., that displays bingo cards or instant bingo tickets, or the results from the play of bingo or instant bingo, using a video or electromechanical format, including, but not limited to, any device that displays any aspect of the bingo or instant bingo game using casino game graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, craps, roulette, or lotto; and
- Allow the use of hand-held or table-top bingo card minders in connection with bingo games in compliance with s. 849.0931, F.S., if the card minders:
 - Require players to manually input each individual number or symbol announced by a live caller; and
 - Do not display or represent the game result through any means, including, but not limited to, video or mechanical reels or other slot machine or casino game themes.

Under the bill, hand-held or table-top bingo card minders may highlight the winning numbers or symbols marked or covered on the flat piece of paper or thin pasteboard bingo card, or give an audio alert that the player's card has a prize-winning pattern.

Section 6 creates s. 849.143, F.S., to provide the gambling restrictions, penalties, and prohibitions in ss. 849.01, 849.08, 849.09, 849.11, 849.14, and 849.25, F.S., do not apply to participating in or conducting bingo games and instant bingo conducted pursuant to s. 849.089, F.S. (at licensed pari-mutuel facilities).

Section 7 provides, if SB 4A (Gaming Enforcement) becomes a law in the 2021 Special Session A, the portion of SB 4A relating to a Type Two transfer of various powers, duties and funds of the DBPR to the Florida Gaming Control Commission, is amended to include in the transfer such powers, duties, and funds relating to the regulation of bingo and instant bingo player at licensed pari-mutuel facilities pursuant to s. 849.089, F.S.

Section 8 provides the bill takes effect on the same date that SB 2A (Implementation of the 2021 Gaming Compact) or similar legislation is adopted in the same legislative session and becomes a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Licensed pari-mutuel permitholders that conduct bingo games and instant bingo (bingo operators) will be required to meet various requirements imposed by the bill which will have associated costs.

C. Government Sector Impact:

The division must implement the provisions of the bill and adopt forms and procedures for the licensing of bingo operators and bingo employees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 550.01215, 550.0251, 550.054, and 849.0931.

This bill creates the following sections of the Florida Statutes: 849.089 and 849.143.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
